IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

Gary Marquel McDaniel,)	Civil Action No. 3:08-2435-TLW-JRM
)	
Plaintiff,)	
)	
VS.)	ORDER
)	
Dave W. Sane, Prison Industries Plant)	
Manager,)	
Defendant.)	
)	
)	

The *pro se* Plaintiff, Gary Marquel McDaniel, ("Plaintiff"), a former inmate with the South Carolina Department of Corrections, filed the above-captioned lawsuit seeking relief under Title 42, United States Code, Section 1983. (Doc. # 1.) On November 21, 2008, Defendant Dave W. Sane ("Defendant") filed a Motion for Summary Judgment. (Doc. # 19.) Pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Plaintiff was advised by Order filed November 24, 2008 that he had thirty-four (34) days to file any material in opposition to the Defendant's motion. (Doc. # 20.) The Plaintiff failed to file any response to the Defendant's motion.

On January 26, 2009, United States Magistrate Judge Joseph R. McCrorey filed an Order requiring the Plaintiff to respond to the Defendant's Motion for Summary Judgement within fifteen (15) days or recommendation would be made to this Court to dismiss his claims with prejudice. (Doc. # 24.) Plaintiff's response was due on or before February 10, 2009. <u>Id.</u> Plaintiff again failed to filed any response.

On February 13, 2009, Judge McCrorey filed a Report and Recommendation (the "Report")

3:08-cv-02435-TLW Date Filed 03/13/09 Entry Number 30 Page 2 of 2

pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B). (Doc. #26.) In the Report, Judge

McCrorey recommended that the Plaintiff's claims be dismissed for failure to respond. Id.

On February 13, 2009, the Report was sent to the Plaintiff via U.S. Mail with notice to file

any objections to the Report on or before March 5, 2008. As of the date of this Order, the Plaintiff

has not filed any objections to the Report.

This matter is now before the Court upon the Magistrate Judge's recommendation that the

Plaintiff's claims be dismissed. This Court is charged with conducting a de novo review of any

portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept,

reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. §

636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this

Court is not required to give any explanation for adopting the recommendation. See Camby v.

Davis, 718 F.2d 198, 199 (4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the

applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that

the Magistrate Judge's Report is ACCEPTED (Doc. # 26), and the Plaintiff's Complaint is

dismissed with prejudice.

IT IS SO ORDERED.

s/Terry L. Wooten

United States District Judge

March 12, 2009

Florence, South Carolina

2